

# **EXHIBIT 27**

1 -----  
2 IN THE UNITED STATES BANKRUPTCY COURT  
3 IN AND FOR THE SOUTHERN DISTRICT OF NEW YORK  
4 -----

5 In re:

6 Case No.:19-13895-jlg

7 ORLY GENDER,

8

9 Debtor

10

11

August 17, 2020

12

10:00 a.m.

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DEPOSITION OF ORLY GENDER, pursuant to  
Order and held via Zoom before a stenotype reporter  
and Notary Public in and of the State of New York.

Page 2

1 A P P E A R A N C E S

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Page 4

1 A P P E A R A N C E S (continued)

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Page 3

1 A P P E A R A N C E S (continued)

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Page 5

1 I N D E X

2

3 WITNESS: EXAMINATION BY: PAGES:

4 Orly Genger Mr. Dellaportas 8-90,  
107-111

5 Mr. Herschmann 91-98

6 Mr. Cavaliere 99-102

7 Mr. Bowen 102-107

8 PREVIOUSLY MARKED EXHIBITS:

9 NUMBER: DESCRIPTION: PAGE:

10 Orly 2 EH Promissory Note 49

11 Orly 3 AG Promissory Note 51

12 Orly 6 American Express Card 87

13 Orly 8 Bankruptcy Schedule 39

14 Orly 10 Deed of Trust 80

15 Orly 11 Escrow Agreement 55

16 Orly 19 Bank Statements 16

17 Orly 23 Subordination Agreement 58

18 Orly 29 Unanimous Written Consent 12

19 Orly 31 Bill Fischer Email 68

20 Orly 35 Appraisal 11

21 Orly 36 Law Firm Payments 22

22 Orly 39 First Amendment to Credit Agmt. 60

23 Orly 40 First Amendment to Credit Agmt.2) 60

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<p style="text-align: right;">Page 6</p> <p>1 INDEX (continued)</p> <p>2</p> <p>3 INSERTS:</p> <p>4 (None.)</p> <p>5</p> <p>6 REQUEST:</p> <p>7 (None.)</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 8</p> <p>1 transcription.</p> <p>2 MR. BORIELLO: Hi, this Jared Borriello,</p> <p>3 of Togut, Segal &amp; Segal, on behalf of creditor</p> <p>4 Arie Genger.</p> <p>5 MR. BOWEN: This is Mike Bowen, Kasowitz</p> <p>6 Benson Torres, on behalf of Kasowitz.</p> <p>7 MR. HERSHMANN: This is Eric Herschmann.</p> <p>8 MR. GARTMAN: Chris Gartman, from Hughes,</p> <p>9 Hubbard &amp; Reed, on behalf ADBG, LLC.</p> <p>10 MR. CAVALIERE: Rocco Cavaliere, Tarter</p> <p>11 Krinsky &amp; Drogen on behalf of Deborah Piazza,</p> <p>12 the Chapter 7 Trustee.</p> <p>13 -----</p> <p>14 WHEREUPON, ORLY GENDER, the WITNESS</p> <p>15 herein, after being duly sworn was examined and</p> <p>16 testified as follows:</p> <p>17 EXAMINATION BY MR. DELLAPORTAS:</p> <p>18 Q Can you please state your name for the</p> <p>19 record?</p> <p>20 A Orly Genger.</p> <p>21 Q Can you please state your address for the</p> <p>22 record?</p> <p>23 A 210 Lavaca Street, Austin, Texas, 78701.</p> <p>24 Q Can you just spell the name of the street?</p> <p>25 A Lavaca, L-A-V-A-C-A.</p>
<p style="text-align: right;">Page 7</p> <p>1 VIDEOGRAHPHER: We are now on record in</p> <p>2 the matter of In re: Orly Genger.</p> <p>3 Today's date is August 17, 2020 and the</p> <p>4 time is 1:01 a.m. Eastern Daylight Time.</p> <p>5 This is the video recording of the</p> <p>6 deposition of Orly Genger, being take remotely</p> <p>7 in video conference.</p> <p>8 I am the camera operator, my name is Issac</p> <p>9 Warner, in association with Trustpoint and</p> <p>10 Alderson Reporting.</p> <p>11 The court reporter is Deirdre Smith, also</p> <p>12 in association with Trustpoint and Alderson</p> <p>13 Reporting.</p> <p>14 Will all attorneys please identify</p> <p>15 themselves and the parties they represent,</p> <p>16 beginning with the party noticing this</p> <p>17 proceeding.</p> <p>18 MR. DELLAPORTAS: This is John Dellaportas</p> <p>19 of Emmet, Marvin &amp; Martin, on behalf of</p> <p>20 judgment creditor, Sagi Genger.</p> <p>21 MR. GERON: This is Yann Geron, Reitler,</p> <p>22 Kailas &amp; Rosenblatt, I represent Orly Genger.</p> <p>23 Just a quick correction, Mr. Videographer,</p> <p>24 I think you said, 1:01, it's 10:01, actually</p> <p>25 it's 10:02, so just so it's clear on the</p>	<p style="text-align: right;">Page 9</p> <p>1 Q Good morning Ms. Genger, so, we are going</p> <p>2 to do it like we did last time, which is I'll put up</p> <p>3 the exhibits on the screen and I'm also going to</p> <p>4 circulate them to the attorneys so that everybody</p> <p>5 has access to the same thing.</p> <p>6 A I might ask since I found it challenging</p> <p>7 last time, if you can possibly email it to me too so</p> <p>8 that I can look through everything on my own speed.</p> <p>9 Q Yes, ma'am. Can you give me your email</p> <p>10 address because I don't think I have it.</p> <p>11 A It's my full name, Orly Genger, at Gmail.</p> <p>12 Q Orly Genger at Gmail dot com?</p> <p>13 A Correct.</p> <p>14 MR. DELLAPORTAS: So, I'm going to send</p> <p>15 the first batch of like four or five that we're</p> <p>16 going to use so we don't slow things down too</p> <p>17 much.</p> <p>18 THE WITNESS: Okay.</p> <p>19 MR. DELLAPORTAS: Bare with me one second.</p> <p>20 (Pause.)</p> <p>21 MR. DELLAPORTAS: So, I'm sending the</p> <p>22 first batch of like six, so everyone should be</p> <p>23 getting them in just a moment.</p> <p>24 (Pause.)</p> <p>25 MR. DELLAPORTAS: I'm going to put it up</p>

<p>Page 90</p> <p>1 A Yeah, I would sort have to refresh my 2 memory. Offhand I don't recall exactly when. 3 Q Okay. And why was that change made? 4 A My husband decided he didn't want me to 5 have it any longer. 6 Q And during the period in which you had use 7 of that card, who paid the bills? You or someone 8 else? 9 A My husband. 10 Q Have you heard of something called the 11 Lily Herschmann 2020 Lifetime Trust? 12 A No. 13 Q Putting aside the name, are you aware that 14 a trust has been set up for the benefit of your 15 daughter? 16 A No. 17 MR. DELLAPORTAS: One second. We are 18 pretty close to done. We're going to take a 19 few minute break to review my notes and then 20 final questions. Five minutes. 21 VIDEOGRAHPHER: Going off the record at 22 1:02. 23 (Break.) 24 VIDEOGRAHPHER: Going on the record at 25 1:08.</p>	<p>Page 92</p> <p>1 what the expenditures were on the America Express 2 Card; is that correct? Either in the post-judgment 3 deposition or at other times? 4 A I don't believe he did. 5 Q And to be clear, when you used the America 6 Express Card, did that money go to you? 7 A No. 8 Q Did you ever have a joint bank account 9 with me? 10 A No. 11 Q And when homeowner or house-owner related 12 expenses were paid for the apartment in Texas, 13 whether it be property taxes or utilities or 14 anything, did any of that money go to you? 15 A No. 16 Q Is it accurate that from 2016 to the 17 present, that you haven't received ten thousand 18 dollars, either in a bank account or in cash from 19 me? 20 MR. DELLAPORTAS: Objection. 21 A No. 22 MR. HERSHMANN: What's the basis for the 23 objection? 24 MR. DELLAPORTAS: Leading. 25 Q Ms. Genger, have you received any cash,</p>
<p>Page 91</p> <p>1 MR. DELLAPORTAS: So, subject to any 2 discovery rulings from the Court which may 3 produce additional withheld documents, we have 4 no further questions at this time. 5 MR. GERON: Okay. Thank you. 6 MR. HERSHMANN: Do you mind if we take a 7 five minute break just to get an idea how much 8 time people have? 9 MR. DELLAPORTAS: No problem. 10 MR. HERSHMANN: So, can we come back at 11 1:15, six minutes? 12 MR. DELLAPORTAS: Fine by me. 13 MR. HERSHMANN: Okay thanks. 14 VIDEOGRAHPHER: Going off the record at 15 1:09. 16 (Break.) 17 VIDEOGRAHPHER: Going on the record at 18 1:18. 19 Examination by Mr. Herschmann: 20 Q Ms. Genger, it's Eric Hershmann, I just 21 have some quick questions to followup on, some of 22 Mr. Dellaportas' questions and some of his filings. 23 Let's stay with the America Express 24 Statements that he's left on the screen for us. To 25 be clear, Mr. Dellaportas has never asked you about</p>	<p>Page 93</p> <p>1 meaning green dollars, in excess of ten thousand 2 dollars from me? 3 A No. 4 Q Have you ever had a joint account, bank 5 account, that had any money in it, ever? 6 A No. 7 Q And for example, if you charged a medical 8 visit on the credit card, did that money go to you 9 or did it actually go to physician treating you or 10 our daughter? 11 A It did not go to me. It went to whatever, 12 the doctor. 13 Q And is that true of every charge that you 14 ever made on the America Express card the money 15 never went to you? 16 A Yes, that's true. 17 Q Now, Mr. Dellaportas has cited in letter 18 to the Court and has put in as reference to part of 19 your testimony in the post-judgment discovery 20 deposition that he took on March 7, 2019 -- 21 MR. DELLAPORTAS: John, can you take down 22 America Express exhibit please? Thank you. 23 Q -- Ms. Genger, do you recall in March of 24 2019 being depose by Mr. Dellaportas? 25 A I'm sorry --</p>

<p style="text-align: right;">Page 110</p> <p>1 MR. HERSHMANN: Objection to form.</p> <p>2 A I don't remember.</p> <p>3 Q Is this understanding that you've just</p> <p>4 described, that you would have no entitlement to the</p> <p>5 \$32.3, but only to a 10.3 million escrow agreement</p> <p>6 not in your name, is that understanding reflected in</p> <p>7 writing anywhere?</p> <p>8 MR. BOWEN: I object to the form of that</p> <p>9 question.</p> <p>10 A Again, I don't know you said?</p> <p>11 THE WITNESS: Deirdre, I apologize, can</p> <p>12 you repeat the question?</p> <p>13 MR. DELLAPORTAS: Ma'am you can read it</p> <p>14 back.</p> <p>15 (Reporter reads back requested</p> <p>16 portion.)</p> <p>17 A When you say, Escrow Agreement not in your</p> <p>18 name, I'm not sure what that means. When I'm</p> <p>19 referring to 10.3, it's the original 10.3 which is</p> <p>20 the TRI shares of -- and you're asking me is my</p> <p>21 understanding written anywhere?</p> <p>22 THE WITNESS: John, I don't know, you're</p> <p>23 not looking at me?</p> <p>24 MR. DELLAPORTAS: Yeah, that's a fair</p> <p>25 recitation to my question.</p>	<p style="text-align: right;">Page 112</p> <p>1 STATE OF NEW YORK )</p> <p>2 ) ss.</p> <p>3 COUNTY OF WESTCHESTER )</p> <p>4</p> <p>5 I, DEIRDRE SMITH, Court Reporter and</p> <p>6 Notary Public with and for the County of</p> <p>7 Westchester, State of New York, do hereby certify</p> <p>8 that I reported the proceedings that are</p> <p>9 hereinbefore set forth, and that such transcript is</p> <p>10 a true and accurate record of said proceedings.</p> <p>11</p> <p>12 I further certify that I am not related to</p> <p>13 any of the parties to this action by blood or</p> <p>14 marriage, and that I am in no way interested in the</p> <p>15 outcome of this matter.</p> <p>16</p> <p>17 WITNESS MY HAND, this 17th day of August, 2020.</p> <p>18</p> <p>19</p> <p>20</p> <p>21 Deirdre Smith My commission expires:</p> <p>22 Notary Public April, 2022</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 111</p> <p>1 A Okay. To, my recollection is that it is</p> <p>2 reflected in the Trump Settlement Agreement. That's</p> <p>3 my recollection.</p> <p>4 Q Other than Trump Settlement Agreement is</p> <p>5 that understanding reflected in any other written</p> <p>6 document? It doesn't have to be an agreement, it</p> <p>7 can be an email, a letter, anything?</p> <p>8 A I don't know. I mean -- I don't know.</p> <p>9 From me? Not that I have.</p> <p>10 Q Okay. Whether you have it or not are you</p> <p>11 aware of that understanding being reflected in any</p> <p>12 document?</p> <p>13 A No.</p> <p>14 MR. DELLAPORTAS: I have nothing further.</p> <p>15 Bodega?</p> <p>16 MR. HERSHMANN: We are concluded.</p> <p>17 VIDEOGRAHPHER: This completes today's</p> <p>18 deposition of Orly Genger.</p> <p>19 Going off the record at 1:46.</p> <p>20 (End of proceedings.)</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	



### Errata Sheet

I, Orly Genger, wish to make the following changes to the transcript of my deposition in the case captioned *In re Orly Genger*, U.S.B.C. S.D.N.Y. Case No. 19-13895-JLG, for the following reasons:

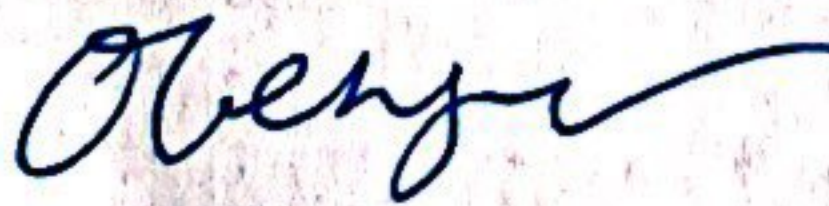
Day 1, 6/24/20

PAGE	LINE	CHANGE FROM	CHANGE TO	REASON
35	16	Keep it or share it	May keep it or share it	Clarification
71	14	I don't remember. I said I don't remember	No	Clarification
80	19	...it is a situation	...it is a stressful situation...	Clarification
83	9	...maybe a month or something	...maybe months or something	Transcription error
107	14	If I did you would know	No, if I did you would know	Clarification
112	20	I believe there is, but again...	I believe there isn't, but again...	Transcription error
113	8	I believe there is, however...	I believe there isn't, however...	Transcription error

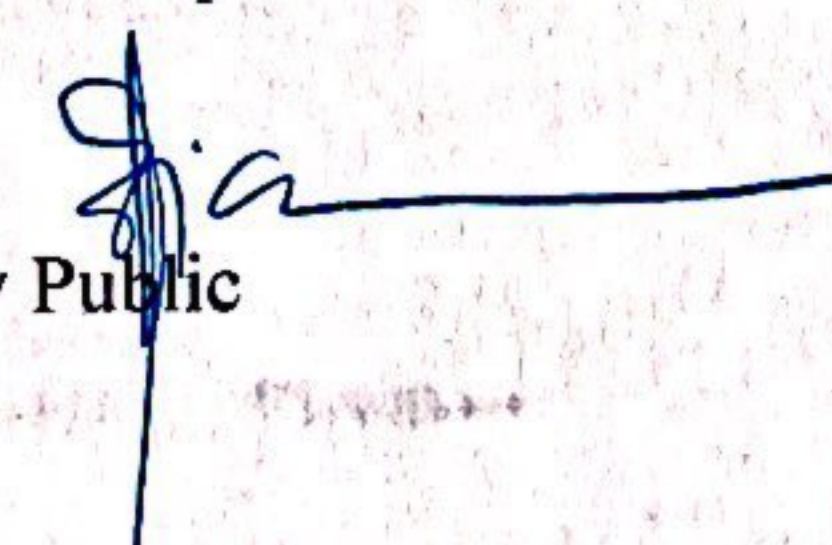
Day 2, 8/17/20

PAGE	LINE	CHANGE FROM	CHANGE TO	REASON
80	14	...after a conversation	...after a conversation with him	Clarification
92	21	No	Yes, it's accurate.	Clarification
97	17	...decision, also by, you know, under the consultation...	...decision in consultation	Clarification
111	13	No	No, I don't believe so	Clarification

Dated: September 14, 2020

 Orly Genger

Sworn to before me this  
14<sup>th</sup> day of September, 2020

  
Notary Public

